

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

FRANCIS H. WHITE, III,

Plaintiff,

v.

No. 14-cv-0429 CG/SMV

**JAMIE L. LAWRENCE;
BRENDA LAWRENCE;
LEGACY MORTGAGE, LLC; and
GABE JOSEPH;**

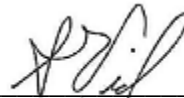
Defendants.

ORDER TO SHOW CAUSE

THIS MATTER is before the Court sua sponte. Plaintiff filed his Complaint against Defendant Joseph on May 8, 2014. [Doc. 1] at 1. Pursuant to Fed. R. Civ. P. 4(m), Plaintiff had 120 days from filing the Complaint, or until September 5, 2014, to effect service of process.¹ There is no indication on the record that Defendant Joseph has been served.

IT IS THEREFORE ORDERED that Plaintiff show good cause why his claims against Defendant Joseph should not be dismissed without prejudice for failure to comply with the service provision of Rule 4(m). Plaintiff shall file his response within **21 days** of entry of this Order.

IT IS SO ORDERED.



STEPHAN M. VIDMAR
United States Magistrate Judge

¹ Although Plaintiff amended his complaint on June 6, 2014, the 120-day time period runs from the filing of the initial complaint. See *Constien v. United States*, 628 F.3d 1207, 1216 (10th Cir. 2010). “[L]ater amendments to the complaint do not change the time limit except for newly added parties.” *Id.* Defendant Joseph was named in both the original and amended complaints and, therefore, is not a newly added party.